

Chapter CCXIV.¹

THE CONSENT CALENDAR.

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972. Bills favorably reported on House or Union Calendars may be considered by consent on the first and third Mondays.

One objection prevents consideration when the bill is first called but when again called it is considered unless three object, in which event it is stricken from the calendar for the session.

Form and history of section 3 of Rule XIII.

Section 3 of Rule XIII provides—

After a bill has been favorably reported and shall be upon either the House or Union Calendar, any Member may file with the Clerk a notice that he desires such bill placed upon a special calendar to be known as the “Consent Calendar.” On the first and third Mondays of each month, immediately after the reading of the Journal, the Speaker shall direct the Clerk to call the bills in numerical order which have been for three legislative days upon the “Consent Calendar.” Should objection be made to the consideration of any bill so called, it shall be carried over on the calendar without prejudice to the next day when the “Consent Calendar” is again called, and if again objected to by three or more Members, it shall immediately be stricken from the calendar, and shall not thereafter during the same session of that Congress be placed again thereon: *Provided*, That no bill shall be called twice on the same legislative day.

The transaction of business by unanimous consent is a very ancient parliamentary expedient and was resorted to in the Continental Congress. Record of its use is found in the Journals of the House as early as the Twenty-second Congress² and, as the pressure of business crowded out unprivileged matters, it was used with increasing frequency until it came to occupy an important place in the unwritten procedure of the House.

¹ This chapter has no analogy with any previous chapter.

² First session Twenty-second Congress, Journal, p. 860.

It was first given a place in the order of business in the Sixty-first Congress,¹ when the resolution providing for adoption of rules was modified by an amendment offered from the floor establishing a "Calendar for Unanimous Consent." Under this rule recognition to submit the request which had previously been at the pleasure of the Speaker was provided for in the order in which filed on the calendar. This calendar was called on "suspension days" immediately after the reading of the Journal, and bills objected to by any Member were stricken from the calendar and could not be restored.

The rule was amended in the revision of 1911² by slight changes in phraseology and by an additional provision that bills objected to might be restored to the calendar, but on a second objection should be stricken from the calendar and not returned. A proviso was also added prohibiting the second calling of a bill on the same legislative day.

A further amendment was agreed to January 18, 1924,³ requiring the objection of three Members to strike a bill from the calendar, and otherwise altering the language of the section to conform to the provisions of the newly adopted rule⁴ establishing a calendar for motions to discharge committees.

In the Sixty-ninth Congress⁵ and again in the Seventy-second Congress,⁶ the rule was successively modified by altering the provision for the days on which the calendar should be called, to meet contemporaneous modifications in the discharge rule, and on April 23, 1932,⁷ was adopted in its present form.

973. Since the establishment of the Consent Calendar the Speaker declines recognition to submit requests for the consideration of bills by unanimous consent.

On Friday, January 7, 1910,⁸ before the disposition of business on the Speaker's table, the Speaker,⁹ addressing the House, said:

The Chair desires to state to the House that on yesterday the gentleman from Pennsylvania, Mr. Dalzell, reported a joint resolution (H. J. Res. 103) from the Committee on Rules, which did not seem to be privileged under the rules, being a joint resolution proposing legislation, and asked unanimous consent for its consideration by the House at that time, to which there was objection. Rule 13, section 3, provides a method for consideration of bills, which includes joint resolutions, by unanimous consent, namely, by having them placed upon the calendar, and the Chair has heretofore construed that rule and announced that unanimous consent for consideration of bills out of their order must be as that rule provides, but it did not occur to the Chair, as the Chair presumes it did not occur to the gentleman from Pennsylvania or any other Member of the House, the practice of the House having so recently been different, that the rule which had already been construed applied in this case; and the Chair calls the attention of the House to it at this time and states that had it occurred to him at the time that it came within the rule

¹ First session Sixty-first Congress, Record, p. 22.

² First session Sixty-second Congress, Record, pp. 14, 80.

³ First session Sixty-eighth Congress, Record, p. 1143.

⁴ Section 4 of Rule XXVII.

⁵ First session, Sixty-ninth Congress, Record, pp. 383.

⁶ First session, Seventy-second Congress, Record, p. 10, 83.

⁷ First session, Seventy-second Congress, Record, p. 8807.

⁸ Second session Sixty-first Congress, Record, p. 378.

⁹ Joseph G. Cannon, of Illinois, Speaker.

referred to, the Chair would not have given recognition to the gentleman from Pennsylvania to ask for unanimous consent.

974. On Thursday, January 27, 1910,¹ immediately prior to adjournment, Mr. Richard W. Austin, of Tennessee, asked unanimous consent for the consideration of a resolution expressing regret at the disaster caused by floods in France and requesting the President to transmit the resolution to the people of France.

The Speaker *pro tempore*² said:

The Chair would say to the gentleman from Tennessee that in view of the rule announced by the Speaker with respect to requests for unanimous consent, the present occupant of the chair hesitates to recognize the gentleman for that purpose in respect to this resolution. This resolution would go on the calendar, and the Chair does not think it comes within the rule adopted by the House.

975. On Monday, February 7, 1910,³ the Speaker,⁴ in directing the Clerk to call the Calendar for Unanimous Consent, said:

The House will be in order. While the House is coming to order the Chair desires to say that the Unanimous Consent Calendar rule, in the opinion of the Chair, is a most important one. Under former rules of the House the Chair, as a Member of the House, visaed the requests for unanimous consent and exercised his privilege as a Member in not recognizing for unanimous consent where he felt assured that the matter ought not to be treated by unanimous consent. Now it is up to the House, and the Chair suggests, especially on this day, that the House should be in order and that each Member should pay attention. The Clerk will call the calendar.

976. On Monday, April 4, 1910,⁵ during the call of the Calendar for Unanimous Consent, Mr. James R. Mann, of Illinois, requested unanimous consent for the consideration of a resolution conferring privileged status on the bill (H. R. 17536) creating an interstate commerce court.

The Speaker⁴ said:

The Chair suggests to the gentleman, on consideration, that this is suspension day, and the Chair would prefer not to make a precedent of submitting unanimous consent on anything outside of the calendar.

977. On Monday, August 21, 1911,⁶ while the Calendar for Unanimous Consent was being called, Mr. William B. Wilson, of Pennsylvania, sought recognition to submit a unanimous consent request for consideration of the resolution (H. Res. 90) to investigate the Taylor system of shop management.

The Speaker⁷ said:

This is suspension day. If the gentleman wants to move to suspend the rules the Chair will entertain the motion, but the Chair can not entertain the request which the gentleman from Pennsylvania has just made.

¹ Second session Sixty-first Congress, Record, p. 1135.

² John Dalzell, of Pennsylvania, Speaker *pro tempore*.

³ Second session Sixty-first Congress, Record, p. 1543.

⁴ Joseph G. Cannon, of Illinois, Speaker.

⁵ Second session Sixty-first Congress, Record, p. 4240.

⁶ First session Sixty-second Congress, Record, p. 4362.

⁷ Champ Clark, of Missouri, Speaker.

978. The Speaker declines to submit requests for unanimous consent to address the House on Mondays reserved for the call of the Consent Calendar.

On January 31, 1930,¹ Mr. Ross A Collins, of Mississippi, addressed the Speaker and desired to submit a request for unanimous consent to speak for one hour on the following Monday after the reading of the Journal and the disposition of business on the Speaker's table.

The Speaker² declined to put the request and said:

The Chair would suggest to the gentleman that Monday is consent day, and there is a very long calendar. The Chair does not think he should recognize the gentleman for that purpose on Monday, but would on some other day.

The Chair thinks it is his duty to protect the Consent Calendar as far as possible. It is very long. The Chair will be glad to recognize the gentleman to ask consent for some other day—of course excepting Calendar Wednesday.

Subsequently, on the same day,³ Mr. Frederick R. Lehlbach, of New Jersey, asked to be recognized to request unanimous consent to address the House on Monday on the subject of prohibition.

The Speaker again declined recognition and said:

The Chair will state to the gentleman that earlier in the day he declined to recognize gentlemen to make requests for time on consent Monday. The Chair will be glad to recognize the gentleman for any other day.

979. On Consent Calendar days the Speaker recognizes for the transaction of business by unanimous consent only in cases of emergency.

On January 5, 1931,⁴ the Speaker recognized Mr. William R. Wood, of Indiana from the Committee on Appropriations, to prefer a request for unanimous consent to consider the joint resolution (H. J. Res. 447) for the relief of farmers in the drought, and storm stricken areas of the United States.

Mr. John N. Garner, of Texas, under reservation of the right to object, said:

As I understand it, the Speaker has recognized the gentleman from Indiana to submit this unanimous-consent request on this day, it being unanimous-consent day, and motions to suspend the rules being in order, on account of the emergency of the proposed legislation, and, as I understand, it is not the custom of the Chair to recognize gentlemen on this day to ask unanimous consent for consideration of legislation unless it is of an emergency character.

The Speaker⁵ said:

The gentleman states the case correctly.

¹ Second session Seventy-first Congress, Record, p. 2783.

² Nicholas Longworth, of Ohio, Speaker.

³ Record, p. 2792.

⁴ Third session Seventy-first Congress, Record, p. 1405.

⁵ Nicholas Longworth, of Ohio, Speaker.

980. The rule establishing the Consent Calendar relates to legislative propositions only, and does not apply to matters of routine and convenience purely formal in nature.

On Friday, December 17, 1909,¹ following the reading of the Journal, Mr. James R. Mann, of Illinois, asked unanimous consent for consideration of the following:

Resolved, That rooms 270 and 272 in the House Office Building be, and the same are hereby, assigned to the Committee on Industrial Arts and Expositions, as additional quarters.

Mr. Oscar W. Underwood, of Alabama, raised the question of order that the Speaker was not authorized to recognize Members to present such requests for unanimous consent.

The Speaker² directed the Clerk to read the third section of Rule XIII, and said:

The Chair would not go as far as the gentleman indicates, but, subject to the approval of the House, always, would be guided in his rulings so as to expedite the business and observe the intent of the rule. It is perfectly clear that clause 3 of Rule XIII, which has been read, refers to legislative propositions. The matter of the convenience of the House, the occupation of rooms by committees, the allowance of Members to be excused from committee service, as one was excused this morning, leaves of absence of Members, withdrawals of papers from the file rooms, opportunities to make personal explanations, extensions of time beyond the hour limit of debate, and practically numberless matters that come up in the ordinary transaction of business touching procedure seems to the Chair not to come, and could not from the reading of the rule come, within the intent of the rule. Such was not the intention of the House when it adopted that rule. This resolution has never been referred to any committee or reported by any committee and is not on any calendar. It is a matter for the convenience of the Members of the House, the convenience of the committees, and it seems to the Chair proper to recognize the gentleman from Illinois to ask unanimous consent. The Chair does not believe that it comes within the rule, and the Chair desires to assure the gentleman from Alabama that the Chair is in hearty sympathy with the thorough enforcement of this rule, not only for the reasons stated by the gentleman from Alabama, which are sound, but also, if it may be proper, for the Chair to so state for the protection of the Chair.

981. On January 13, 1910,³ it being Thursday, Mr. David E. Finley, of South Carolina, submitted the following resolution, with a request that it be considered by unanimous consent:

Resolved, That exercises appropriate to the reception and acceptance from the State of South Carolina of the statute of John C. Calhoun, erected in Statuary Hall, in the Capital, be made the special order for Saturday, March 12, 1910.

Mr. Oscar W. Underwood, of Alabama, made the point of order that the request was not privileged.

The Speaker² said:

Mere matters of procedure and orders of business, whether in the form of resolutions or orders, the Chair has submitted to the House for its unanimous consent. A resolution could be framed, the Chair can imagine, as has happened in the past, covering matters of national policy, and so on, that probably ought to go to the Consent Calendar; but the Chair thinks a resolution of this kind, which might be framed as an order and not as a resolution, would not come within the practice so far under the rule and the construction thereof, which does not violate the spirit of the rule. Is there objection?

¹ Second session Sixty-first Congress, Record, p. 224.

² Joseph G. Cannon, of Illinois, Speaker.

³ Second session Sixty-first Congress, Record, p. 594.

982. On Monday, February 7, 1910,¹ during the call of the Calendar for Unanimous Consent, Mr. Edgar D. Crumpacker, of Indiana, asked unanimous consent for consideration of an order setting aside a day for exercises appropriate to the acceptance of the statute of Gen. Lewis Wallace.

The Speaker,² upon consideration, said:

The Chair thinks this is of that class of special orders that are purely matters of ceremony and feels authorized in administering the rules to submit the request for unanimous consent. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

983. While the Speaker has, on extraordinary occasions of emergency or routine, recognized Members to request unanimous consent for consideration of unprivileged matters, it is not the practice.

On Tuesday, May 23, 1911,³ following the disposition of business on the Speaker's table, Mr. A. W. Lafferty, of Oregon, asked unanimous consent for the consideration of a resolution which he sent to the desk.

The Speaker,⁴ after examining the resolution, said:

This is a resolution that will have to go through the basket under the rules of the House. Until a few months ago the unanimous-consent business rested entirely with the Speaker, the Chair will state to the gentleman from Oregon. Just exactly when it was changed I have forgotten, but a new rule was adopted by which there was established a Calendar for Unanimous Consent. At the beginning of the present session, in order to get things in working order, the Chair recognized a few people out of order, but the Chair announced about a week ago that he was going thereafter to observe the rule, and that all such resolutions would have to go through the basket.

984. On Monday, April 14, 1913,⁵ it being the second Monday of the month, Mr. Richard W. Austin, of Tennessee, asked unanimous consent for the consideration of a resolution relating to recognition of the Chinese Government.

The Speaker² declined to entertain the request, and said:

As there are a great many new Members present, the Chair will take the privilege of stating that at the end of the Sixtieth Congress, according to his recollection, the House established a Calendar for Unanimous Consent. One day last summer there were several matters pressing here in which the Government was financially interested and on which, if they were not put through, the Government would lose money because of the deterioration of work. The Chair at that time stretched the rule sufficiently to let in four or five of those things. Then a distinguished Member of the House rose and protested against the proceedings and wanted to know if we were going back or relapsing into the bad situation which he alleged had existed heretofore. The Chair then announced that we were not going to do anything of the sort. Since then the Chair has been very careful about recognizing gentlemen to bring up matters that ought not to be brought up under that rule.

¹ Second session Sixty-first Congress, Record, p. 1560.

² Joseph G. Cannon, of Illinois, Speaker.

³ First session Sixty-second Congress, Record, p. 1496.

⁴ Champ Clark, of Missouri, Speaker.

⁵ First session Sixty-third Congress, Record, p. 173.

985. On Thursday, May 8, 1924,¹ before privileged business had been taken up, Mr. Royal C. Johnson, of South Dakota, asked unanimous consent to move to suspend the rules and pass the bill (H. R. 8869) for the relief of disabled ex-service men.

Mr. Finis J. Garrett, of Tennessee, having inquired as to the regularity of the procedure, the Speaker² said:

The Chair hesitated when the gentleman from South Dakota asked him this morning for recognition, and, as the gentleman from South Dakota knows, declined at first to grant that recognition. Then he asked whether the gentleman from Mississippi, who yesterday objected, was notified, and was willing to have this request made. The Speaker also conferred with the leader of the majority and the leader of the minority together upon the propriety of recognizing the gentleman to make the request, and after that conference the Chair felt justified in granting this unusual recognition.

986. The call of the Consent Calendar on days devoted to its consideration by the rules takes precedence of the motion to go into Committee of the Whole to consider revenue or appropriation bills.

On Monday, January 16, 1911,³ during a call of the Unanimous Consent Calendar, Mr. John A. T. Hull, of Iowa, moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Army appropriation bill.

Mr. John J. Fitzgerald, of New York, raised a question of order.

The Speaker⁴ said:

It is undeniable that the words of Rule XIII, section 3—"On days when it shall be in order to move to suspend the rules the Speaker shall, immediately after the approval of the Journal, direct the Clerk to call the bills upon the Calendar for Unanimous Consent"—prevent the Speaker entertaining the motion to go to the consideration of appropriation bills until the Unanimous Consent Calendar is considered.

987. On Monday, January 3, 1921,⁵ a suspension day, Mr. James W. Good, of Iowa, as a parliamentary inquiry, asked if the motion to go into the Committee of the Whole House on the state of the Union to consider an appropriation bill was in order.

The Speaker⁶ said:

The rule says that on this day the Chair shall order the Clerk to call the Unanimous Consent Calendar.

Thereupon, on motion of Mr. Good, by unanimous consent, the business in order under the rule was dispensed with for the day to permit the Speaker to entertain a motion to resolve into the Committee of the Whole to consider the sundry civil appropriation bill.

¹ First session Sixty-eighth Congress, Record, p. 8139.

² Frederick H. Gillett, of Massachusetts, Speaker.

³ Third session Sixty-first Congress, Record, p. 965.

⁴ Joseph G. Cannon, of Illinois, Speaker.

⁵ Third session Sixty-sixth Congress, Record, p. 888.

⁶ Frederick H. Gillett, of Massachusetts, Speaker.

988. A contested-election case may not supplant the call of the Consent Calendar.

On August 5, 1912,¹ it being the first Monday of the month, Mr. James A. Hamill, of New Jersey, by direction of the Committee on Elections No. 2, presented the report of that committee on the contested-election case of *Gill v. Catlin*.

Mr. James R. Mann, of Illinois, raised the question of order that the report could be received on suspension day only by unanimous consent.

The Speaker² said:

The Chair will pass on the point of order which the gentleman from Illinois has raised. The Chair does not think that anything is in order on unanimous consent, suspension, and committee discharge day except such things as will forward the business of the House.

989. On March 21, 1912,³ while the Calendar for Unanimous Consent was being called, Mr. S. A. Roddenbery, of Georgia, said:

I rise to present a privileged resolution under the rules and the Constitution. I submit that under the rules of the House and the Constitution this resolution is in order, although there may be a special order, although it may be Unanimous Consent Calendar day, and although there may be other preferential motions.

The Speaker² said:

The rule says that immediately after reading the Journal the Unanimous Consent Calendar shall be called, and although the gentleman applied to the Speaker to be recognized to offer the privileged resolution, the Speaker refuses to allow that to be done.

An appeal by Mr. Roddenbery from the decision of the Chair was, on motion of Mr. John J. Fitzgerald, of New York, laid on the table.

990. While holding unfinished business on which the previous question was pending at adjournment on the previous day to be of equal privilege, the Speaker directed the call of the Consent Calendar.

On Monday, February 19, 1923,⁴ the Speaker announced:

To-day is suspension day, and the Clerk will report the first bill on the Unanimous Consent Calendar.

After the call of the Unanimous Consent Calendar had proceeded for some time, Mr. William B. Bankhead, of Alabama, as a parliamentary inquiry, called attention to the status of the bill (H. R. 14270), amending the Federal farm loan act, on which the previous question was pending at adjournment on the preceding Saturday, and read a decision from the House Manual holding that when the House adjourns before voting on a proposition on which the previous question is ordered the question comes up on the next day immediately after the reading of the Journal.

The Speaker⁵ said:

That decision was rendered before the rule was adopted, which the Chair will now read:

“On days when it shall be in order to move to suspend the rules the Speaker shall, immediately after the approval of the Journal, direct the Clerk to call the bills which have been for three days upon the Calendar for Unanimous Consent.”

¹ Second session Sixty-second Congress, Record, p. 10225.

² Champ Clark, of Missouri, Speaker.

³ Second session Sixty-second Congress, Record, p. 3739.

⁴ Fourth session Sixty-seventh Congress, Journal, p. 235; Record, p. 4009.

⁵ Frederick H. Gillett, of Massachusetts, Speaker.

The decision to which the gentleman refers was rendered before this rule was adopted which directed the Chair to immediately call the Calendar for Unanimous Consent. The Chair thinks that either of these things is in order, that both are privileged. The Clerk will call the next bill on the Calendar for Unanimous Consent.

991. Under the former rule recognition to suspend the rules on consent day does not preclude the call of the calendar later in the day.

On January 7, 1919,¹ a suspension day, Members were recognized to move suspension of the rules before the Consent Calendar was called.

Mr. William H. Stafford of Wisconsin, raised a question of order as to whether the call of the calendar would be in order after disposition of motions to suspend the rules.

The Speaker pro tempore² held:

This being the first Monday, it is in order to call the Unanimous Consent Calendar, and the fact that there have been some motions to suspend the rules entertained previously in nowise vitiates the right that the Unanimous Consent Calendar should be called if the House should remain in session. The Clerk will report the first bill.

992. In order to be called on consent day, a bill must appear on the printed calendar.

On Monday, December 20, 1909,³ during the call of the Calendar for Unanimous Consent, the bill (H. R. 14565) extending time for construction of a bridge across the Mississippi River was called.

Mr. John J. Fitzgerald, of New York, made the point of order that the bill was not properly on the calendar.

The Speaker⁴ said:

The House Calendar has heretofore been printed once in, three days.⁵ In the House Calendar which was printed on Friday, the 17th of December, this bill does not appear. The question in the construction of the rule is as to what the calendar is. Is it a package of bills in the box or the printed list of the bills in the box? The Chair would be inclined to hold that the bill ought to be on the printed calendar; but as that calendar is published only once in three days, such a holding would in future, in the judgment of the Chair, make inconvenience. Therefore it seems to the Chair that the order to print the whole calendar should be so that we would have a daily calendar.

The Chair is inclined to hold, with a Unanimous Consent Calendar to be called twice a month and with a Calendar Wednesday, that the better practice would be that the bill should be upon the printed calendar for three days. Therefore the Chair sustains the point of order.

993. On February 7, 1910,⁶ a first Monday, the Calendar for Unanimous Consent was being called, when a question arose as to the interpretation of the rule under which the call was proceeding.

¹ Third session Sixty-fifth Congress, Record, p. 1120.

² Charles R. Crisp, of Georgia, Speaker pro tempore.

³ Second session Sixty-first Congress, Journal, p. 869; Record, p. 265.

⁴ Joseph G. Cannon, of Illinois, Speaker.

⁵ The calendar is now printed daily.

⁶ Second session Sixty-first Congress, Record, p. 1545.

In passing upon the question of order, the Speaker¹ ruled, incidentally:

The Chair, in construing this rule, has held that a bill on the Unanimous Consent Calendar shall be upon the printed calendar. Why? So that every Member of the House, by consulting the calendar, may be informed what bills are subject to unanimous consent upon that calendar.

994. To be eligible to consideration on the call of the Consent Calendar a bill must have been on the printed calendar three legislative days.

In counting the three days required by the Consent Calendar rule holidays or days on which the House is not in session are not construed as legislative days and are not included.

On February 1, 1929,² Mr. Edward E. Denison, of Illinois, submitted a parliamentary inquiry as to whether a day on which the House was not in session could be included in counting the three days which a bill must occupy on the calendar in order to be subject to call during consideration of the Consent Calendar.

The Speaker³ replied:

The Chair thinks that the phrase "three days" means three legislative working days, that if the House is not in session it is not a legislative day, and that day, therefore, would not be included.

The present occupant of the chair has held that a holiday was not a legislative day. The Chair thinks that a day when the House is not in session is a holiday to that extent.

The attention of the Chair is called to the fact that the calendar is not printed on days when the House is not in session. Therefore it might be physically impossible to print in the calendar the bill which it is proposed to put on the Consent Calendar. Speaker Cannon ruled on December 20, 1909, that the better practice would be that bills should be upon the printed calendar for three days in order that they might be called on the Monday provided in the rule for the calling of the Consent Calendar. (Cannon's Precedents, sec. 992.) On February 7, 1910, Speaker Cannon again ruled as follows:

"The Chair in construing this rule has held that a bill on Unanimous Consent Calendar shall be upon the printed calendar. Why? So that every Member of the House by consulting the calendar may be informed what bills are subject to unanimous consent upon that calendar."

This decision may be found in Cannon's Precedents, section 993. That being the case the Chair thinks that the ruling with regard to holidays not counting as legislative days ought to be also applied to days when the House is not in session.

Mr. John N. Garner, of Texas, interposed.

Next Monday is consent day. Suppose the House adjourns on Thursday until Monday, a bill placed on the calendar on Wednesday could not be called up the following Monday.

The Speaker concluded his decision:

"In such a case the bill must have been put on the calendar on Tuesday so that it would be on the calendar for three legislative days. If the House should not be in session on Saturday, a bill to be considered on the Consent Calendar on Monday, must have been filed on the preceding Wednesday."

995. In counting the three days required under the consent rule, Sunday is not included.

On Thursday, March 21, 1912,⁴ a day to which the legislative business of Monday, March 18, had been postponed by special order, Mr. Joseph J. Russell,

¹ Joseph G. Cannon, of Illinois, Speaker.

² Second session Seventieth Congress, Journal, p. 399; Record, p. 2624.

³ Nicholas Longworth, of Ohio, Speaker.

⁴ Second session Sixty-second Congress, Record, pp. 3733, 3739.

of Missouri, submitted a parliamentary inquiry as to the method of computing the three days required by the rule for calling the Unanimous Consent Calendar.

The Speaker¹ decided:

The consideration of bills by unanimous consent is an extraordinary proceeding and ought to be conducted with great care. The rule in regard to the Unanimous Consent Calendar was established because Members thought they ought to have a right to have a bill taken up by unanimous consent, whether the Speaker was in favor of it or not. Speaker Cannon said that it was a great relief to the Speaker, and the Chair thoroughly agrees with him.

The philosophy of the three days' notice is that Members shall have three days' notice of the fact that unanimous consent is to be asked to take up certain bills. When the question was raised some time ago as to whether Sunday ought to be counted as part of the three-day period, the Chair ruled that in counting the three days Sunday was non dies, because there was no calendar printed on that day, and of course did not give a Member notice. The duty of Members is to be here every day and attend to the business of the House, and the Chair holds that if a bill has been on the calendar three days prior to to-day it is in order.

996. The House has decided that requests to have a bill "passed over without prejudice" may be entertained before debate has begun but not thereafter.

On Monday, February 7, 1910,² during the consideration of the Unanimous Consent Calendar, the resolution (H. J. Res. 110) to deepen Wilmington Harbor, California, was called.

After debate, Mr. James McLachlan, of California, asked that the bill be passed over without prejudice.

Mr. Joseph H. Gaines, of West Virginia, made the point of order that the request could not be entertained after debate on the bill had begun.

The Speaker³ submitted to the House the question of order, which was read by the Clerk, as follows:

Shall it be in order, after there has been discussion as to a bill called on the Calendar for Unanimous Consent, for the Speaker to entertain a request for unanimous consent that the bill be passed over without prejudice?

The question being taken, it was decided in the negative, yeas 140, nays 147. Thereupon the Speaker announced:

The Chair desires to state, by permission of the House, it would seem that the vote in the negative in this case would fairly well imply, when taken in connection with the debate, that it would be in order before there has been discussion as to a bill called on the Calendar for Unanimous Consent for the Speaker to entertain a request for unanimous consent that the bill be passed without prejudice, and the Chair would be so inclined to rule when the question should arise, if it did.

997. A bill on the Consent Calendar, "passed over without prejudice," goes to the foot of the calendar.

On Monday, October 17, 1921,⁴ the Speaker announced that this was the day for consideration of bills by unanimous consent and directed the Clerk to call the calendar.

¹ Champ Clark, of Missouri, Speaker.

² Second session Sixty-first Congress, Record, p. 1551.

³ Joseph G. Cannon, of Illinois, Speaker.

⁴ First, session Sixty-seventh Congress, Record, p. 6387.

The first bill on the calendar, the bill (H. R. 1578) to survey the Puyallup River, Washington, having been called, Mr. Albert Johnson, of Washington, asked unanimous consent that the bill be passed over without prejudice.

The Speaker¹ held that, if passed over, it should go to the foot of the calendar. Mr. Johnson renewed his request, and the Speaker said:

Is there objection to the request of the gentleman from Washington that the bills be passed over without prejudice and go to the foot of the calendar?

There was no objection.

998. Objection to consideration of a bill on consent day comes too late after debate has begun.

On Monday, May 3, 1920,² the bill (H. R. 9825) providing for rights of way for public road purposes was called on the Calendar for Unanimous Consent.

There being no objection, the House proceeded to consider it, and debate was in progress when Mr. Niels Juul, of Illinois, objected to the consideration of the bill.

The Speaker¹ held that objection came too late after consideration had begun.

999. A Member having reserved the right to object to consideration of a bill called on the Consent Calendar, any Member may object under the reservation.

On Monday, May 2, 1910,³ when the bill (H. R. 9961) authorizing the commissioning of ensigns at the Naval Academy was called on the Calendar for Unanimous Consent, Mr. William H. Stafford, of Wisconsin, reserved the right to object.

After debate, Mr. John J. Fitzgerald, of New York, objected to consideration of the bill.

Mr. Arthur L. Bates, of Pennsylvania, as a parliamentary inquiry, submitted that Mr. Fitzgerald had not reserved the right to object and therefore the objection came too late.

The Speaker⁴ held that Mr. Stafford, having reserved the right to object, any Member could object under that reservation.

1000. A bill passed over without prejudice on a call of the Consent Calendar requires but one objection when next reached.

A bill objected to during consideration of the Consent Calendar, but retaining its place by unanimous consent, requires three objections when again called.

On January 26, 1928,⁵ during a call of the Consent Calendar, the bill (H. R. 7203) to authorize the Secretary of the Interior to transfer the Okanogan project to the Okanogan irrigation district was reached.

Mr. Carl R. Chindblom, of Illinois, raised the question as to whether one or three objections were required to strike the bill from the calendar.

¹ Frederick H. Gillett, of Massachusetts, Speaker.

² Second session Sixty-sixth Congress, Record, p. 6471.

³ First session Seventieth Congress, Record, p. 2085.

⁴ Bertrand H. Snell, of New York, Speaker pro tempore.

⁵ Second session Sixty-first Congress, Record, p. 5667.

The Speaker pro tempore¹ held that where a bill had been passed over without prejudice one objection was sufficient to displace it when next called. But where objection had been made and unanimous consent had been secured for the retention of its place on the calendar, three objections were required to strike it from the calendar when again reached.

1001. A bill, the second time stricken from the calendar on the objection of three Members, may by unanimous consent be permitted to retain its place on the calendar.

On Monday, June 2, 1924,² when the bill (H. R. 7698) to regulate interstate transportation of labor was reached on the Consent Calendar, objection was made by Messrs. Ernest R. Ackermann, of New Jersey; Thomas L. Blanton, of Texas; and Samuel E. Winslow, of Massachusetts; this being the second objection to its consideration.

Mr. J. Scott Wolff, of Missouri, asked unanimous consent that the bill be permitted to retain its place on the calendar.

Mr. James T. Begg, of Ohio, made the point of order that the request was not in order under the rule.

The Speaker pro tempore³ ruled:

The Chair will read that portion of the rule which is applicable to this situation:

"Should objection be made to the consideration of any bill so called, it shall immediately be stricken from such calendar, but such bill may be restored to the calendar at the instance of the Member, and if again objected to by three or more Members it shall be immediately stricken from such calendar, and shall not thereafter be placed thereon."

In the opinion of the Chair this latter phrase would mean that it can not again be placed upon the calendar at the instance of the Member in the manner provided by the rule; that the Member has lost all rights to have his bill restored to the Consent Calendar under the rule. But gentlemen sitting in the House, having made objection to the consideration of a bill, and hearing a request made, after objection, for unanimous consent that a bill shall retain its place upon the calendar without prejudice, it seems to the Chair, are held to notice that that request is being made, and if they then wish to object it is their duty to prevent the granting of the unanimous consent request. In the opinion of the Chair their silence amounts to a waiver on the part of those who have made objection under the rule, if they do not raise objection to the unanimous consent request. Inasmuch as a request for unanimous consent for retention of a bill on the Consent Calendar after a second objection by three Members, though technically in order, is in contravention of the plain purpose and provision of the rule, it would seem to be the function of the chairman to himself object to such requests. When the objections were made those objections related to the present consideration of the bill. Afterwards a different request was made, that the bill might retain its place on the calendar, and to that request a single objection would have been ample.

1002. The striking of a bill from the calendar in one session does not preclude its restoration to the calendar in the next session.

On December 19, 1932,⁴ the third Monday in the month, the House was considering business on the Consent Calendar under the rule, when the bill (H. R. 9921) to

¹ Joseph G. Cannon, of Illinois, Speaker.

² First session Sixty-eighth Congress, Record, p. 10216.

³ Carl R. Chindblom, of Illinois, Speaker pro tempore.

⁴ Second session Seventy-second Congress, Record, p. 709.

require contractors on public-building projects to name their subcontractors, material men, and supply men, was called.

Mr. Charles A. Eaton, of Colorado, referred to the proceedings on the occasion of the call of the Consent Calendar as reported in the Congressional Record for June 6, 1932, in the course of which three Members had objected to the consideration of this bill and asked why it had not been stricken from the calendar.

The Speaker pro tempore¹ explained that it had been stricken from the calendar as required by the rule but that the call on June 6, had been in the first session of the Congress and the bill had been placed again on the calendar at the opening of the current session, and was in order to be called again for consideration.

1003. The requirement that a bill be three days on the Consent Calendar before being eligible to consideration does not apply when the bill, after being objected to, is again placed on the calendar.

On June 6, 1924,² the consideration of bills unobjected to on the Consent Calendar being in order, the bill (H. R. 26) to compensate the Chippewa Indians for certain lands, was called.

Mr. Finis J. Garrett, of Tennessee, raised the point of order that consideration of this bill had been objected to and the bill stricken from the calendar on June 4, and the three days required by the rule had not elapsed since its restoration to the calendar.

The Speaker³ decided:

The Chair thinks this is a close question, and there is support to decide in either direction, but, on the whole, the Chair thinks that the reason three days' notice was required was not so much to allow Members that time in which to know that a bill was coming up, but in order that they should have time in which to examine the different bills, make up their minds about them, and determine whether they wanted to object.

If any bill has been on the calendar, the Members have had three days in which to study it. Then the second time, the Chair is disposed to think, there is not the practical need of the same three days that there was before, because the Members have already had three days; they have studied the bills theoretically, know the bills, and know their minds about them. Therefore, the only notice that would be required the second time would simply be the notice to them to be present if they wished to object. That notice they get from the calendar in the morning. Theoretically we are all here every day, and a calendar is provided for us to see what the business is.

So the Chair concludes and will rule that it does not require the second time three days' notice but requires only one day's notice, and that the specific bill on which the question was raised is in order.

1004. Consideration of a bill on the Consent Calendar having been agreed to, a Senate bill of similar tenor may, by unanimous consent, be taken from the committee to which referred and considered in lieu thereof.

On February 21, 1910,⁴ this being a third Monday, the bill (H. R. 20044) authorizing construction of a bridge across the Arkansas River was called on the Calendar for Unanimous Consent.

¹ Clifton A. Woodrum, of Virginia, Speaker pro tempore.

² First session Sixty-eighth Congress, Record, p. 11086.

³ Frederick H. Gillett, of Massachusetts, Speaker.

⁴ Second session Sixty-first Congress, Record, p. 2172.

Mr. James R. Mann, of Illinois, asked unanimous consent to discharge the Committee on Interstate and Foreign Commerce from the consideration of the bill (S. 6191), identical with the House bill just called, and consider it in lieu thereof.

The Speaker¹ decided:

It seems that the bill H. R. 20044, on the Unanimous Consent Calendar, is a bridge bill, which has just been read. From the statement of the gentleman from Illinois it seems that the Senate bill, identical with the House bill, is in the Committee on Interstate and Foreign Commerce. The gentleman from Illinois asks unanimous consent to discharge the Committee on Interstate and Foreign Commerce from consideration of the Senate bill and substitute it for the House bill and consider the Senate bill. It seems to the Chair that that request comes within the spirit of the rule. Is there objection?

1005. Business under consideration on “consent day” and undisposed of at adjournment does not come up as unfinished business on the following legislative day but goes over to the next day when that class of business is again in order.

On Tuesday, October 7, 1919,² Mr. Patrick H. Kelley, of Michigan, as a parliamentary inquiry, asked when consideration of the motion to suspend the rules and pass the resolution (H. J. Res. 213) continuing certain allowances to officers of the Navy, which he had made and which was pending at adjournment on the preceding Monday, would again be in order.

The Speaker³ ruled that it would come up on the next Monday on which that class of business was in order.

1006. The status of bills on the Consent Calendar is not affected by their consideration from another calendar and such bills may be called up for consideration from the Consent Calendar while pending as unfinished business in the House or Committee of the Whole.

On Monday, February 1, 1932,⁴ during the call of the Consent Calendar, the Clerk called the bill (S. 1306) to provide for the incorporation of the District of Columbia Commission, George Washington Bicentennial.

Mr. Fiorello H. LaGuardia, of New York, made the point of order that the bill was improperly on the Consent Calendar for the reason that it had been taken up for consideration from the House Calendar and was pending in the House as unfinished business.

The Speaker pro tempore⁵ overruled the point of order.

¹ Joseph G. Cannon, of Illinois, Speaker.

² First session Sixty-sixth Congress, Record, p. 6513.

³ Frederick H. Gillett, of Massachusetts, Speaker.

⁴ First session Seventy-second Congress, Record, p. 3041.

⁵ William B. Bankhead, of Alabama, Speaker pro tempore.